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Simple Resolution No. 39.

Whereas, It will be necessary for the Senate of Texas to adopt rules of procedure to govern it in the trial of James E. Ferguson, Governor, upon impeachment charges presented by the House of Representatives; now, therefore, be it

Resolved by the Senate of Texas,

That a special committee of three be appointed by the Chair to prepare and present to the Senate not later than Tuesday, August 28, such rules of procedure for adoption by the Senate.

LATTIMORE.

The resolution was read and adopted.

Special Committee Appointed.

The Chair announced the appointment of the following Senators as the Special Committee, provided for hereinabove:

Senators Dean, Bailey and Lattimore.

Rules of Procedure on Impeachment.

Here the special committee to formulate rules of procedure in the trial upon the articles of impeachment of Governor James E. Ferguson, made the following report:

Committee Room,
Austin, Texas, Aug. 27, 1917.

Hon. Lon A. Smith, President of the Senate.

Sir: We, your Committee appointed to prepare and present rules of procedure to be adopted as the rules governing in the hearing of the impeachment charges against James E. Ferguson, Governor, beg leave to submit for adoption the following rules:

Rule 1. At 10:00 o'clock a. m. on the 29th day of August, A. D. 1917, the Senate shall resolve itself into a court of impeachment for the purpose of receiving the appearance or answer or both of James E. Ferguson, Governor, against whom articles of impeachment have been preferred.

Rule 2. At the hour last above named said James E. Ferguson may in person or by counsel or both appear in said court and file answer to the said articles of impeachment against him; and the manner of his appearance shall be fully recorded by the Secretary of the court of impeachment.

Rule 3. If the respondent shall fail to appear, after having been served, etc., or appearing, shall fail to file his

answer to such articles of impeachment, the said trial shall proceed nevertheless as upon a plea of not guilty.

Rule 4. The respondent and his counsel and the managers appointed by the House and their counsel, shall be conducted to seats by the Sergeant-at-Arms near the President's chair, when their appearance shall have been announced by the Doorkeeper.

Rule 5. If the respondent appear and announces not ready to file his answer, and shall ask further time to do so, the question shall be put to the court on motion of some member thereof, and determined by a majority vote of said court.

All demurrers and exceptions having been acted upon, the board of managers shall read and present the articles of impeachment and the respondent shall enter his appearance and present any answer in writing that he may desire to present.

Rule 6. The Senate, having resolved itself into a high court of impeachment, and the managers upon the part of the House of Representatives and the respondent having both announced ready for trial, shall proceed to the consideration of the articles of impeachment, and shall continue in session from day to day (Sundays excepted) after the trial shall commence, unless otherwise ordered by the Senate, until final judgment shall be rendered, and so much longer as may, in its judgment, be needful.

Rule 7. All demurrers, exceptions, etc., shall first be heard and disposed of, and shall be decided and determined by majority of the members of the court present.

Rule 8. The party presenting the demurrers and exceptions shall be entitled to open and conclude the argument thereon, and not more than three persons on each side shall make arguments (unless otherwise ordered by the Senate), and not more than three hours shall be consumed by each side in such argument.

Rule 9. After such demurrers shall have been presented and argued the court shall, after due deliberation and consultation, announce its decision upon each and every demurrer and exception, and such questions and issues as shall be thereby eliminated shall not thereafter be considered in the trial.

Rule 10. If, after decision upon demurrers and exceptions presented,

there shall remain any issues to be tried, the trial shall proceed at once upon its merits, the burden of proof being upon the managers of the House of Representatives, who shall hold the affirmative and be entitled to open and conclude the testimony and argument in the case.

Rule 11. The presiding officer shall have power to make and issue, by himself or the Secretary of the Senate, all orders, mandates, writs, process and precepts authorized by these rules or by the Senate, and to make and enforce such regulations and orders in the premises as the Senate may authorize or provide.

Rule 12. The Senate shall have the power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, process, precepts and judgments, to preserve order, and to punish in a summary way contempt of and disobedience to its authority, orders, mandates, writs, process, precepts, and judgments, and to make all lawful orders, rules and regulations which it may deem essential or conducive to the ends of justice, and to this end may, in the first instance, upon the application of either party, cause attachments to be issued for witness to any county within this State. And the Sergeant-at-Arms, under the direction of the Senate, or the presiding officer thereof, may employ such aid and assistance as may be necessary to enforce, execute and carry into effect the lawful orders, mandates, writs, process and precepts of the Senate.

Rule 13. The presiding officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer, on the trial, shall direct all forms of proceedings, and all forms during the trial not otherwise provided for.

Rule 14. The presiding officer, on the trial, may rule on all questions of evidence and incidental questions, observing the established rules of evidence in this State as near as applicable, which ruling shall stand as the judgment of the court, unless some member thereof shall ask that such question be decided by a vote of the court, in which case it shall be submitted to the court for decision; or he may at his option, in the first instance, submit any such question to a vote of the court. Upon all such questions the vote shall be without a division, unless the yeas and nays be de-

manded by three members of the court, when the same shall be taken.

Rule 15. Counsel for the respondent and for the managers upon the part of the House shall be admitted to appear and be heard upon the questions arising upon the trial of said cause; provided, that all preliminary or interlocutory questions, and all motions, shall be argued for not exceeding thirty minutes on each side, unless the court shall by order extend the time.

Rule 16. All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he or any three Senators shall require it, they shall be committed to writing and read at the Secretary's desk.

Rule 17. If a Senator wishes to ask a question to be put to a witness, or to offer any motion or order (except to adjourn), it shall be reduced to writing and put by the presiding officer, or some one of counsel in the cause.

Rule 18. At all times while the Senate is sitting upon the trial the doors of the Senate shall be kept open, unless the court shall direct the doors to be closed while deliberating upon the decisions.

Rule 19. All the orders and decisions of the Senate shall be made and had by yeas and nays, which shall be entered on the records, and without debate, subject, however, to the operation of Rule 14, except when the doors shall be closed for deliberation (or the court shall retire to its consultation room, as the case may be).

Rule 20. The court may at any time, upon motion, without division and without debate, retire to its consultation room for deliberation, return to the Senate Chamber and announce its decision.

Rule 21. On the final question, whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately; and if the impeachment shall not upon any of the articles presented, be sustained by the votes of two-thirds of the members present, a judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of said articles by the votes of two-thirds of the members present, the court shall proceed to pronounce judgment, and certified copy of such

judgment shall be deposited in the office of the Secretary of State.

Rule 22. If the Senate shall at any time fail to sit for the consideration of articles of impeachment, on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.

Rule 23. The rules of the Senate shall prevail in matters covered by such rules occurring during the sitting of the Senate as a court, unless in conflict with some special rule provided by this committee; if any question or matter arises not governed by the rules of the Senate or the rules provided by this committee, a new rule covering same may be made by a majority vote of the Senate present.

Rule 24. The following shall be administered by the Supreme Court or Appeals to the presiding officer of the Senate, and thereafter by such presiding officer to each member of the Senate:

"You and each of you do solemnly swear that you will impartially try James E. Ferguson, Governor of Texas, upon the impeachment charges submitted to you by the House of Representatives and a true verdict render according to the law and the evidence, so help you God."

Rule 25. The record of the proceedings as taken by the stenographers employed by the Senate shall be prepared and presented to the Journal Clerk of the Senate for printing in the daily journal as early as possible each day and not later than 9:00 o'clock p. m.

Rule 26. The House of Representatives may present to the Senate at any time during these proceedings in due and regular form any additional articles of impeachment to those already presented.

Rule 27. The following oath shall be administered to all persons appearing as witnesses in this hearing:

"You and each of you do solemnly swear that the evidence you give upon this hearing by the Senate of Texas of impeachment charges against James E. Ferguson shall be the truth, the whole truth, and nothing but the truth, so help you God."

Rule 28. The respondent or the board of managers may invoke what

is commonly called The Rule during the trial of this proceeding.

Rule 29. The above rules shall govern during the trial of this impeachment proceeding, and may be changed or additional rules adopted by giving written notice in the open court of the Senate for one day.

Respectfully submitted,

DEAN, Chairman.

BAILEY.

LATTIMORE.

Senator Lattimore moved to suspend the Senate rule requiring committee reports to lie over one day.

The motion prevailed unanimously.

Senator Lattimore moved the adoption of the foregoing committee report.

The motion prevailed.